

Message Text

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FOR THE SECRETARY

FROM US LOSDEL

E.O. 11652: XGDS-3

TAGS: PLOS

SUBJECT: LOS: DAILY REPORT FOR THE SECRETARY

REF: STATE 190948

1. THE GROUP OF 77 INTRODUCED TODAY IN THE COMMITTEE I WORKSHOP ITS PROPOSALS FOR ARTICLES 22, 23 AND PARAGRAPHS 2, 7 AND 8 OF ANNEX I (BASIC ARTICLES ON THE SYSTEM OF EXPLOITATION). THESE ARTICLES TAKEN TOGETHER IN EFFECT ELIMINATE GUARANTEED STATE AND PRIVATE PARTY ACCESS IN A DUAL SYSTEM OF EXPLOITATION. IN PRESENTING THESE ARTICLES, THE G-77 MADE SPECIAL NOTE THAT IN ADDITION TO THESE PROVISIONS, THEY WOULD WISH TO NEGOTIATE: (A) THE FUNCTIONING OF THE ENTERPRISE; (B) POWERS AND FUNCTIONS OF THE ASSEMBLY AND COUNCIL AND THE RELATIONSHIP THEREOF; (C) THE DEFINITION OF ACTIVITIES IN THE AREA INCLUDED IN ARTICLE I; AND (D) OTHER RELATED ASPECTS OF THE RSNT.

2. WITH THE CLEAR INDICATION THAT THE G-77 HAS ADDITIONAL HARDLINE POSITIONS IN STORE FOR US ON OTHER IMPORTANT
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PROVISIONS IN THE C-I PACKAGE, WE CANNOT AFFORD TO BEGIN

MAKING COMPROMISES ON A PARTIAL PACKAGE ONLY TO BE FACED WITH MORE DEMANDS AT A LATER TIME. THE KEY DIFFICULTY IS THAT A PIECEMEAL NEGOTIATION WILL INEVITABLY LEAD TO OUR BEING COMMITTED IN PRINCIPLE TO PARTS OF A NEW SNT FOR C-I WHICH IN MANY OTHER RESPECTS IS TOTALLY UNACCEPTABLE.

3. ON THE OTHER HAND, IF WE REFUSE TO NEGOTIATE WITH THE 77 ON THE BASIS OF A PARTIAL PACKAGE, INSISTING THAT THEY IDENTIFY AND DEVELOP POSITIONS ON EVERY PROVISION ON THE RSNT WHICH THEY CANNOT ACCEPT, THE REST OF THIS SESSION WILL IN ALL LIKELIHOOD BE DEVOTED TO MEETINGS OF THE 77. AT THE CLOSE OF THE SESSION, WE WOULD HAVE BEFORE US A GROUP OF 77 SUPPORTED SNT AND MAY IN FACT HAVE MOTIVATED THE 77 TO MAKE MORE CHANGES TO THE TEXT THAN COULD OCCUR WITHIN THE CONTEXT OF A PICEMEAL NEGOTIATION.

4. WE BELIEVE IT WOULD BE COUNTER TO OUR INTEREST IN ACHIEVING AN ACCEPTABLE RATIFIABLE TREATY FOR THE DEEP SEABED TO ENGAGE IN SALAMI SLICING TACTICS WITH THE 77. ACCORDINGLY, WE WILL ADOPT A FIRM TACTICAL STANCE IN THE C-I WORKSHOP, FACTUALLY EXPLAINING OUR RESERVATIONS ABOUT THE PARTIAL PACKAGE OF THE G-77 AMENDMENTS WE HAVE IN HAND.

5. COMMITTEE II: CHAIRMAN AGUILAR ANNOUNCED FIRST MEETING OF SMALL GROUP OF NATIONS INVITED BY HIM TO NEGOTIATE QUESTIONS OF DEFINITION OF CONTINENTAL MARGIN AND REVENUE SHARING TO BE HELD AUGUST 19. US WILL PARTICIPATE. HE FURTHER OBTAINED APPROVAL OF COMMITTEE TO SET UP SIMILAR GROUP TO NEGOTIATE THE LEGAL STATUS OF THE ECONOMIC ZONE. THE DISCUSSION OF THE RIGHTS AND DUTIES OF COASTAL STATES AND THE RIGHTS AND DUTIES OF OTHER STATES WILL CONTINUE FOR THE TIME BEING IN THE FULL NEGOTIATING GROUP AND PRESUMABLY WILL BE ASSIGNED TO A SMALL GROUP LATER.

6. COMMITTEE III: CHAIRMAN YANKOV ANNOUNCED A SCHEDULE FOR COMMITTEE III WHICH WOULD STOP SCIENTIFIC RESEARCH NEGOTIATIONS TOMORROW. NEGOTIATIONS HAVE NOT PRODUCED A COMPROMISE AND YANKOV CONTINUES TO BELIEVE THAT EXISTING CONFIDENTIAL

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REVISED TEXT IS THE ONLY ANSWER. US AND EUROPEAN POSITIONS HAVE BEEN LARGELY IGNORED BY YANKOV.

7. USSR PRIVATELY TOLD US THEY WOULD ACCEPT TOTAL CONSENT REGIME WITH NO QUALIFICATIONS OR RESTRICTIONS AND NO DISPUTE SETTLEMENT FOR SCIENTIFIC RESEARCH. THEY SAID THEY WANT NO TROUBLE WITH DEVELOPING COUNTRIES IN COMMITTEE III.

8. DISPUTE SETTLEMENT: IN BILATERAL CONVERSATIONS,
SOVIET UNION STATED THAT IT WILL REJECT DISPUTE
SETTLEMENT TEXT IF THE SPECIAL PROCEDURES ARE DELETED.
IT WOULD THEN ABANDON COMPULSORY JURISDICTION AND SUPPORT
INSTEAD AN OPTIONAL PROTOCOL.

9. GENERAL: FOLLOWING CONSULTATIONS BETWEEN US AND
USSR REPS IN VARIOUS COMMITTEES, OUR ASSESSMENT IS THAT
USSR CAN CLEARLY ACCEPT REVISED TEXT IN PARTS III
AND IV AND PROBABLY PART II. IMPLICATION IS THAT USSR
IS ANXIOUS FOR A TREATY AT LEAST FOR THOSE THREE PARTS
OF THE REVISED TEXT.
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